

protein and not more than 14 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein and not more than 14 per cent of crude fiber, whereas, in truth and in fact, it contained less than 41 per cent of protein and more than 14 per cent of crude fiber, to wit, 36.80 per cent of protein and 15.39 per cent of crude fiber.

On February 28, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9719. Misbranding of shorts. U. S. * * * v. George W. Hoyland Flour Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 13092. I. S. No. 8340-r.)

On December 16, 1920, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the George W. Hoyland Flour Co., a corporation, Kansas City, Mo., alleging shipment by said company, on or about September 13, 1919, in violation of the Food and Drugs Act, as amended, from the State of Missouri into the State of Tennessee, of a quantity of unlabeled shorts which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 23, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9720. Adulteration and misbranding of cocoa. U. S. * * * v. 73 Cases of ½-Pound and 188 Cases of ⅓-Pound Packages of Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11062. I. S. Nos. 6722-r, 6723-r, 6724-r, 6725-r. S. No. C-1408.)

On August 11, 1919, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 73 cases, each containing 24 one-half pound packages, and 188 cases, each containing 50 one-fifth pound packages, of cocoa, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the National Cocoa Mills, New York, N. Y., on or about March 8, 1919, and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Packages) "My Own Pure Cocoa. Net Weight ½ Lb." (or "⅓ Lb.") "* * * The Cocoa contained in this package is Positively High Grade and guaranteed by the manufacturers to comply with all Federal and State Food Laws. It is a breakfast cocoa of Superior Quality and Excellence * * * Absolutely Pure No Alkalis No Chemicals * * *" (inconspicuously stamped on side panel) "My Own Cocoa Compound Containing Cocoa, Sugar, Corn Starch."

Adulteration of the article was alleged in substance in the libel for the reason that substances, to wit, starch and sugar, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby its inferiority to genuine cocoa was concealed.